

In the Drawings:

FIG. **7a**, sheet 9, has been amended to add reference 56. FIG. **8**, sheet 11, has been amended to delete references 120 and 122. FIGs. **9a-9c** have been amended to change reference 66 to --60--. Replacement sheets are attached.

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REMARKS

In order to promote administrative efficiency and better communication, the Examiner is invited to make suggestions at any time during the proceedings, via phone, fax or e-mail, whenever such suggestions are within the Examiner's discretion as an aid to placing the claims in order for allowance in a timely manner.

Examiner's Point 1: Drawings:

The Examiner objected to the drawings for failing to comply with 37 CFR 1.84(p)(5) because they do not include certain reference sign(s) mentioned in the description. Applicant has amended the drawings to include or delete such reference signs and has amended the specification to remove or add such reference signs. Replacement drawings are attached.

Support for Amendments:

Applicant has amended the claims to clarify the distinctions with the prior art cited by the Examiner. Each complex aperture is made up of at least one set of two overlapping holes having an offset of a given distance *between centers*. In order that the holes be capable of receiving and holding a bone screw, a *necked down* portion must exist between overlapping holes. All the figures in the instant application show overlapping holes with a necked down portion therebetween, such feature existing primarily for the purpose of allowing a bone screw to be independently secured to one or the other of these holes.

Page 7, lines 10-15.

Note that the threaded apertures 100 used in the invention provide hole centers located at specific locations (as opposed to apertures that are formed as a slot). Use of threads centered at a specific point allows the bone screw to be fixed at a specific location at which the surgeon may judge the bone structure to be best suited to support such a bone screw. Unlike designs using a slot, the

apertures 100 of the invention eliminate wander of the screw in the aperture. This further permits placement at specific locations for buttressing and/or secure fixing in neutral screw loading areas.

Followed by this paragraph (Page 7, lines 16-19):

In another feature, locking bone pegs (not shown) interface with the threaded apertures. The threads cut in the head of these pegs are designed so as to lock with the threaded apertures in order to better ensure rigid fixing of a fracture when using pegs having a body without threads. The locking feature used can be any of the known methods of locking threads by mechanical means.

From the above and throughout the application as filed, it is clear that each hole is adapted to receive a locking bone screw which securely fixes thereto. To be able to securely place bone screws in either hole, the offset must be sufficient enough to define a necked-down portion between offset overlapping holes. A mere slot is not enough to retain the bone screw in a fixed position. It is believed that the amendments made herein more clearly define the language "overlapping hole" as requested by the Examiner in Point 3(d) of the Office Action.

The Applicant believes that the proposed amendments herein adequately and clearly distinguish the invention over the prior art in a manner more likely to satisfy the Examiner, thereby expediting allowance of this case. Consequently, Applicant believes the pending claims are in condition for allowance. Acknowledgement of this fact is respectfully requested.

Claim Objections:Examiner's Point 3:

The Examiner objected to claims 1, 2, 5, 6 and 10 for certain formalities. Applicant has corrected such formalities to the extent that according to Applicant's record, the problems cited by the Examiner exist. In particular, in Examiner's point 3(e), the Examiner points out that a typo should be corrected. Applicant cannot find the said typo (spelling of the word "plate") in applicant's claim 2, or in the published PCT application. Therefore, it is believed that this is a scanning error on the part of the US patent office. Claim 5 has been cancelled. Therefore objections against this claim are moot.

Examiner's Point 4:

The Examiner objected to Claim 15 as being of improper dependent form because it fails to further limit the subject matter of a previous claim. Applicant has cancelled claim 15. Consequently, this objection is now moot.

Double Patenting:Examiner's Point 6:

The Examiner provisionally rejects claim 1, 32, and 33 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 7, 14 and 15 of co-pending Application No. 10/809,034. Applicant requests that this provisional rejection be held in abeyance until the claims in the co-pending case are allowed, in order to avoid a potentially unnecessary terminal disclaimer.

Claim Rejections §103:

Examiner's Point 8:

The Examiner now rejects claims 1-3, 6-8, 10-13, 15-17, 19-22, 24-26, 28-30, 32, and 34-36 under 35 U.S.C. §103(a) as being unpatentable over Weaver et al (US Patent No. 6,623,486) in view of Freid (US Patent No. 6,331,179). The Examiner states that Weaver et al fails to disclose threaded overlapping holes. Applicant agrees and wishes to emphasize that this is the essence of the invention as claimed. Although Freid shows overlapping holes, Freid adds nothing at all to Weaver because Freid only non-threaded holes, and only non-threaded overlapping holes. None of the overlapping holes of Freid are threaded, and in fact, none of the holes in Freid are threaded, whether overlapping or not. Non-threaded holes are not capable of locking the threaded head of a locking bone screw. Applicant's invention, on the other hand, shows discrete overlapping *threaded* holes. Further, Freid is NOT a *bone plate which repairs fractures or separated bones*. Rather, Freid is a bone plate "for stabilizing the human spine" and so lacks a nexus with bone plates for repairing fractures or for reconnecting osteotomically separated bone. It is believed therefore that the combination suggested by the Examiner is improper and cannot support a claim of obviousness. Consequently, claim 1, and all claims dependent therefrom, by virtue of their dependence on an allowable claim, are believed to be in condition for allowance. Acknowledgement of this fact is respectfully requested.

Examiner's Point 9:

The Examiner has rejected claims 4, 9, 14, 18, 23, 27 and 31 under §103(a) as being unpatentable over Weaver et al in view of Freid et al, as applied to the claims 1, 6, 11, 15, 19, 24 or 28 above, and further in view of Orbay. Applicant traverses this rejection, and asserts the arguments made above in response to Examiner's Point 8. Because the independent claims are patentable, those dependent therefrom are also patentable. Acknowledgement of this fact is respectfully requested.

Examiner's Points 10- 13:

The Examiner has rejected claims 5, 33, 37-42 on various grounds, citing the previously cited references plus Wolter, Cesarone, Tepic, and Klau. Without addressing the Examiner's arguments individually, Applicant traverses this rejection, and asserts again the arguments made above in response to Examiner's Point 8 and further in response to the this rejection of claim 37, which Applicant believes place claims 1, and 34-37 in condition for allowance.. Because Applicant believes they have clearly pointed out why the independent claims are patentable, those claims dependent therefrom are also patentable. Acknowledgement of this fact is respectfully requested.

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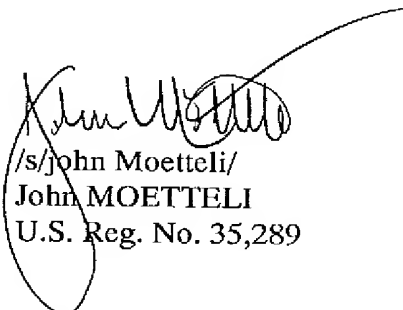
Conclusion

Applicant has made a diligent effort to advance the prosecution of this application by amending claims, and by pointing out herein with particularity how the claims now presented are patentably distinct from the prior art of record. Therefore, Applicant respectfully submits that the claims, as amended, are now in condition for allowance. No new matter has been entered by this amendment. Any limitations to the claims are made solely for the purpose of expediting the prosecution of the application and, unless otherwise expressly stated, are not made to narrow, vis-à-vis the prior art, the scope of protection which any subsequently issuing patent might afford. Again, if the Examiner has further questions, he is invited to contact the undersigned at phone 011-4171-230-1000, fax at 011-4171-230-1001 (Switzerland is 6 hours ahead of Eastern Std Time), or e-mail at moetteli@patentinfo.net.

Applicant petitions the Commissioner for an extension of time of THREE month(s) *FOR A LARGE ENTITY* and the Undersigned authorizes the Commissioner to charge any fee or credit any overpayment of any fee under 37 CFR §1.16 and §1.17 which may be required in this application to the deposit account of MOETTELI & ASSOCIES SARL, no. 50-2621.

Respectfully submitted,

Date : April 14, 2008



/s/John Moetteli/
John MOETTELI
U.S. Reg. No. 35,289

Enclosure: Replacement Sheets 9, 11 & 12.